

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

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In re:	:	Chapter 11
	:	
MERCY HOSPITAL, IOWA CITY, IOWA, et	:	Case No. 23-00623 (TJC)
al.,	:	
	:	(Jointly Administered)
Debtors.¹	:	
	:	
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**CONSENT ORDER BETWEEN THE LIQUIDATION TRUSTEE AND US FOODS, INC.
(I) RESOLVING ADMINISTRATIVE CLAIM #40016 OBJECTION AND (II)
MUTUALLY RELEASING ALL CLAIMS INCLUDING CHAPTER 5 CAUSES OF
ACTION AND (III) GRANTING RELATED RELIEF**

The matter before the Court is the Liquidation Trustee (the “**Trustee**”) Dan R. Childers’ Objection [Docket No. 1399] against Administrative Claim No. 40016 filed by US Foods, Inc. (“**US Foods**”). Pursuant to consent and stipulation, the Trustee and US Foods hereby stipulate and agree to the below terms, and finding the below terms to be reasonable, appropriate, within the sound business judgment of the Trustee, and in the best interests of the Debtors’ estates and all creditors and other parties in interest, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

1. Within seven (7) business days of this Consent Order becoming a final order of the Court, US Foods shall cause Claim No. 40016 be withdrawn.

2. Upon this Consent Order becoming a final order of the Court, the Trustee and US Foods mutually release and forever discharge each other and each of their agents, officers, consultants, employees, legal counsel, accountants, financial advisors, and representatives of from any and all claims, demands, cross-claims, joinder actions, potential claims, actions, causes of actions, demands, costs, expenses (including attorneys’ fees and costs) and damages of any kind,

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number or business identification number, as applicable, are: Mercy Hospital, Iowa City, Iowa (0391), Mercy Services Iowa City, Inc. (1044), and Mercy Iowa City ACO, LLC (9472). The location of Mercy’s corporate headquarters and the Debtors’ service address is 500 E. Market Street, Iowa City, IA 52245.

known or unknown, liquidated or unliquidated, asserted or unasserted, real or potential, in law, in equity or otherwise, whether in contract or in tort or under any statute, or under any other legal theory, whether at law or in equity, matured or immature, fixed or contingent, including but not limited to the Claims and any and all causes of action under Chapter 5 of Title 11 of the United States Code (the “**Bankruptcy Code**”) and/or other applicable state or federal law, including but not limited to any causes of action that arise under Section 547 of the Bankruptcy Code. Notwithstanding anything to the contrary, however, US Foods’s Unsecured Non-Priority Claim No. 10171 is allowed. Specifically, \$32,021.20 of Claim No. 10171 is allowed as a pre-petition general unsecured claim, and will receive dividend in due course, along with other similarly situated claims. The remaining \$40,290.97 is allowed as an administrative priority claim under section 503(b)(9) of the Bankruptcy Code and will be paid in full within 30 days after the Court’s entry of this consent order.

3. Consistent with the Confirmed Plan (DE No. 1050), final Confirmation Order (DE No. 1114), and Liquidation Trust Agreement (DE No. 993-3), no notice to creditors or any other parties in interest of the terms contained herein is required outside of the entry of this Consent Order and service of same to those parties registered to receive ECF notifications in these bankruptcy cases, nor is any approval required pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure or otherwise.

4. This Consent Order shall be immediately effective and enforceable upon entry and any applicable stay is hereby waived.

5. The Court retains jurisdiction to interpret and/or enforce the terms of this Consent Order.

Entered this 13th day of _____ May, 2025.



Honorable Thad J. Collins, Chief Judge

Order prepared by
Eric W. Lam AT0004416
Counsel for the Trustee

So Consented:
/s/ M. Benedek
Counsel for U S Foods, Inc.

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